

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
MICHAEL PINA)
)

JOINT MEMORANDUM
PURSUANT TO LOCAL RULE 116.5(C)

Pursuant to Local Rule 116.5(C), the United States and Defendant Michael Pina (collectively, the "parties") state as follows:

(1) The defendant has reviewed the discovery provided by the government to date. The defendant has advised the government that he intends to request additional discovery which it believes the government may have in its custody, possession or control. Respective counsel have been unable to discuss these requests to date but hope to do so on or before February 18, 2005. It is possible, therefore, that the government will produce additional discovery.

(2) Once the discovery alluded to above has been provided, the parties do not anticipate the need for additional discovery.

(3) The defendant does not intend to raise a defense of insanity or public authority.

(4) The government has not formally requested notice of an alibi by the defendant.

(5-6) The defendant intends to file one or more dispositive

motions. The defendant respectfully requests that the Court set the filing date for any such motions for some time in mid to late March of 2005.

(7) The parties have had some discussions regarding resolution of the case short of trial but presently believe the case will proceed to trial.

(8) The Court previously excluded the 28 day period from the defendant's arraignment, and from the parties' initial status conference to January 24, 2005, the original scheduled date for the parties' interim status conference. The parties hereby request that the Court convene a final status conference in late March or early April January 2005, and agree that the time from January 24, 2005 should be excluded for purposes of the Speedy Trial Act.

MICHAEL PINA
By His Attorney

MICHAEL J. SULLIVAN
United States Attorney

By:

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February 15, 2005